

## **EXHIBIT 1**

NEWSDAY, SATURDAY, JULY 12, 2003

# 'La Cucaracha in My Ear'

By Shirley E. Perlman  
STAFF WRITER

After roaches invaded her Hempstead apartment in the spring of 1998, Marta Velasquez put a bug in her landlord's ear about the problem.

But a few months later, as she lay sleeping on a chilly December night, the bug was in her ear.

"I wake up when I feel la cucaracha in my ear," Velasquez said. "I went crazy. I [was] screaming. I [was] jumping. I [was] crying."

Last week, a Mineola jury awarded Velasquez \$105,000 for health problems that began when a cockroach crawled into her ear that December night.

As Velasquez tells it, the incident occurred in the basement apartment she and her husband, Luis, have been renting for the past five years. She said the problem began soon after the landlord rented the up-

## Jury says landlord to blame

stairs of the house on Anne Street to a family of 10 to 12 people.

Velasquez, who had been paying \$500 a month in rent, said she complained to the landlords, Jose and Natalia Chavez, but nothing was done and the place became infested with roaches.

On Dec. 19, 1998, she said, she went to sleep and was suddenly awakened by a tingling sensation. It was the roach. There were also cockroaches on the bed, she said during a break in the trial last week.

Velasquez, 46, a native of Honduras, said her husband drove her to Leonard Medical Center in Hempstead where the insect was removed by a doctor. Within weeks she began experiencing medical problems including

head pain, dizziness and loss of hearing, she said.

In July 2000, she underwent surgery to repair part of her left eardrum. Velasquez's lawyer, Michael Joseph of Manhattan, who filed the lawsuit against the landlords in 2001 on behalf of Velasquez, said it was unclear whether her ear damage was caused by the cockroach or the doctor who removed it.

"Either way, they're responsible," Joseph said of the landlords. "They created the original hazard which necessitated the treatment."

The jury apparently agreed. Last week, after a brief trial before State Supreme Court Justice Peter Skelos, jurors ruled in her favor.

Joseph said he suggested a

\$300,000 award in consideration of future suffering and medical expenses, but that essentially he asked for "whatever they thought was fair." Joseph said that Velasquez said she was satisfied with the jury's decision. She and her husband still live in the apartment, which she said is now roach-free.

Chavez's attorney, William Shanahan of Garden City, was not available for comment.

The Chavezes did not appear at the trial. But in a deposition read to the jury, Chavez said he tried to get a furniture after he moved out in March 1998 but was unsuccessful. He said he had lived in the house with his family for about 20 years before converting it into a two-family residence and that there were no insect problems during that time. He acknowledged in the deposition that he did not have a permit to operate a two-family house.



Wednesday  
July 23, 2008

# The Journal News

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## Police, Yonkers named in suit

Papers say cops  
broke into home  
without warrant

Ernie Garcia  
The Journal News

YONKERS — A federal civil rights lawsuit has been filed against the city and police, alleging that a warrantless search was made of a Nodine Hill apartment.

The lawsuit, filed on behalf of Lucreshia Amory, her two children and a friend, alleges that Yonkers police mistakenly burst into her apartment at 2 Van Cortlandt Ave. on Oct. 17, with weapons drawn in search of drugs. It accuses the police of trespass, assault, false arrest, intimidation, extortion and intentional infliction of emotional distress.

The lawsuit, filed in U.S. District Court in White Plains and originally scheduled for a conference yesterday, seeks unspecified punitive damages for violating Amory's constitutional rights.

The complaint alleges that Yonkers police Detective Frank Campana of the Yonkers Narcotics Unit and other unknown officers forced their way into Amory's apartment about 6 a.m. At the time, Amory was in the apartment with her two minor children and Jason Williams, an adult who was a guest.

The lawsuit claims police did not knock or ask permission to enter the apartment and did not have a search warrant for that residence. Their search warrant was for a different apartment in the building, the lawsuit alleges.

"I don't think (the police) conceded that it was mistaken," said

Please see LAWSUIT, BA

## Yonkers, cops face suit

LAWSUIT, from 1A

Michael H. Joseph of Osorio & Associates in White Plains. "They're taking the view that they didn't find drugs and that my clients were lucky. Our position is that that's nonsensical."

Joseph added that his clients were not charged with any crime and that police verbally abused Amory by threatening to call the county's Department of Child Protective Services if she did not provide information about the location of drugs.

Yonkers police spokeswoman Lt. Diane Hessler said yesterday that there was no arrest record for Amory or Williams on the date of the alleged search.

Frank Rubino, the city's corporation counsel, confirmed yesterday that police did not have a search warrant for that apartment, but he said the residence was part of a narcotics investigation.

Rubino added that police detained Williams on an outstanding warrant, but he declined to say if that was a reason the police entered Amory's apartment.

Rubino said that in the past Yonkers police have burst into the wrong apartment during a "no-knock" warrant execution because of typographical errors or other mistakes.

"Those turned out to be property damage cases," he said.

Amory's lawsuit accuses Yonkers and its Police Department of overlooking civil rights abuses by officers and failing to properly train them in the proper execution of warrants. The Yonkers Police Department is currently under investigation by the U.S. Department of Justice for civil rights violations.

Although Amory's lawsuit claims police did not have probable cause to enter her apartment, in the past two years police have accused residents in her building of criminal conduct.

In May, Tremaine Kerson, 24, of 2 Van Cortlandt Park Ave. was indicted after a yearlong drug probe. In August, Derrick Williams, 33, of the same address, was charged with misdemeanor drug possession after he was seen involved in an apparent crack transaction on Linden Street.

The case conference set for yesterday was to be with Judge Charles Bricant, but the judge's death on Sunday caused it to be postponed. It has not yet been rescheduled.

Reach Ernie Garcia  
at [elgarcia@lohud.com](mailto:elgarcia@lohud.com)  
or 914-696-8290.



AS PUBLISHED BY

# SEVERDICT SEARCH

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## Motor Vehicle

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Rear-ender by van resulted in knee and back injuries

Verdict: \$293,600.00

Case Type: Rear-ender, Motor Vehicle - Red Light, Motor Vehicle - Intersection

Case: John McGuigan v. Michael Rhatigan and Alpine Mechanical Systems, No. 13366/02

Venue: Nassau Supreme, NY

Judge: Roy S. Mahon

Date: 04-20-2004

### PLAINTIFF(S)

Attorney: Michael H. Joseph; Cappiello, Hofmann & Katz P.C.; New York, NY, for John McGuigan

Expert: David Rabinovici M.D.; Neurology; Middle Village, NY called by: Michael Joseph

Jorge Cerrulli M.D.; Orthopedic Surgery; Mineola, NY called by: Michael Joseph

### DEFENDANT(S)

Attorney: Michael Caliguiri; Robert P. Macchia & Associates; Mineola, NY, for Michael Rhatigan, Alpine Mechanical Systems Inc.

Expert: None

### INSURER:

Allstate Insurance Co. for both defendants

### FACTS:

This motor vehicle accident occurred on June 6, 2002, on Commack Road in Deer Park. The plaintiff, John McGuigan, 58, a retired police officer and then a process server, was stopped at a light on Commack Road when his vehicle was struck in the rear by a van owned by Alpine Mechanical Systems Inc. and being driven by Michael Rhatigan.

McGuigan sued Alpine Mechanical Systems and Rhatigan.

Liability was conceded and the trial was on the issue of damages.

### INJURY:

McGuigan sustained a tear of the posterior horn of the medial meniscus in his right knee and grade 4 chondromalacia of the patella for which he underwent arthroscopic surgery. He also suffered a herniated lumbar disc at L5-S1 with radiculopathy, for which he underwent 8 months of physical therapy and acupuncture. He continues to complain of pain in his back and weakness, range of motion limitations, and crepitus in the knee. He was out of work for three months after the accident, returned to work, and then was out of work for two weeks following the surgery. He asked the jury for \$100,000 for past pain and suffering and \$200,000 for future pain and suffering.

The defendants contended that he was exaggerating the back injury and that the knee injury was pre-existing, he had undergone prior knee surgery.

### VERDICT INFORMATION:

The jury awarded McGuigan \$293,600.

John McGuigan

\$8,000 Personal Injury: Past Lost Earnings Capability

\$50,000 Personal Injury: Past Pain And Suffering

\$225,000 Personal Injury: Future Pain And Suffering

\$3,600 Personal Injury: insurance premiums

\$7,000 Personal Injury: property damage

UNIENDO A LA COMUNIDAD

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Pág. 4

US\$490.000,00 para Ecuatoriano  
accidentado

# Locales

## 490.000,00 PARA ECUATORIANO ACCIDENTADO EN CONSTRUCCIÓN

Por: Aldo Bravo

La mañana del 27 de Julio del 2006 era una día más de trabajo para Obdulio Tamay, que fue recogido en una parada de obreros al destajo en construcci6n, como ocurre con muchos otros inmigrantes ecuatorianos.

Cuando el Sr. Tamay comenzó su día de trabajo nunca se imaginó que su vida cambiaría a causa de la irresponsabilidad de su patrón, que no tomó las medidas necesarias para proteger su seguridad y la de otros trabajadores.

En la tarde de ese día el Sr. Tamay se encontraba subido en una tabla sostenida por dos escaleras. De pronto, las escaleras y la tabla se derrumbaron y Tamay cayó de 20 pies de altura. El patrón lo colocó en la parte trasera de su camioneta y lo llevó al hospital dejándolo solo y abandonado sin ningún tipo de ayuda. Nadie reportó el accidente a las entidades pertinentes como a la policía, OSHA o al dueño de la propiedad donde ocurrió el accidente.

El Sr. Tamay contrató los servicios del Abogado Michael H. Joseph, Esq., de Osorio & Associates, en White Plains, NY. Este abogado ha litigado muchos casos de accidentes similares al del Sr. Tamay para un sinnúmero de inmigrantes.

Al cabo de casi 2 años de pelea en corte por los derechos de Tamay, el Abogado Joseph forzó a la compañía de seguros del dueño de la propiedad, "Travelers", a pagarle (\$490,000) como indemnización del accidente.

Dice el Abogado "estas personas violaron las leyes de labor, cuando no suministraron el equipo apropiado para proteger la seguridad del Sr. Tamay y nosotros nos encargamos de que ellos se responsabilicen por el daño que le causaron."



Después del accidente el Sr. Tamay estaba muy asustado por su situación legal y temía ser deportado si comenzaba alguna querrela en contra de su patrón. El Abogado Joseph le explicó que las cortes de Nueva York permiten que inmigrantes indocumentados presenten demandas por violación a

las leyes laborales y que es violación de estas leyes, no dar el equipo de seguridad necesario a los trabajadores o dejarlos trabajar en situaciones peligrosas.

"Es la responsabilidad del patrón obtener información del estatus legal de un trabajador antes de que comiencen a laborar con él. El empleador no puede contratar a un indocumentado y después negar sus responsabilidades solo porque éste no es legal" afirma Joseph.

El Sr. Tamay quiere que en su comunidad sepan que no deben temer al momento de hacer valer sus derechos si tienen algún accidente de trabajo. El Abogado Joseph aclara que "es una extorsión para un empleador amenazar a un empleado con deportarlo si él/ella comienza una demanda legal en contra del empleador."

Tamay estuvo hospitalizado por dos meses después del accidente y se mantuvo en rehabilitación por 4 más. Aunque ahora se encuentra mejor, todavía tiene dolor en su cadera y pierna y solo puede trabajar en labores leves. No se sabía si iba a poder laborar como antes, pero ya, con su recuperación y recompensación, el Sr. Tamay se encuentra optimista de su futuro. Él ha trabajado en este país por 20 años y ahora espera poder volver a su tierra en Girón, Azuay - Ecuador para reunirse con su familia.

El Sr. Tamay tiene primos y hermanos en los Estados Unidos trabajando en obras peligrosas, como muchos otros inmigrantes que están en la misma situación.

Si usted tiene alguna pregunta legal sobre algún accidente que haya tenido, puede llamar al abogado Michael H. Joseph, Esq. al (877) 580-6636.



## ¡PREPÁRESE PARA LAS REDADAS!

POR: Cándida Portugués/EDLP

Las redadas están aquí y por el momento no parece que vayan a remitir, sólo se van a seguir en su camino.

portarlos "en ausencia" dijo López.

Tanto si existe como si no un procedimiento en la corte o una orden

semanas en cárceles de inmigración. Las autoridades estadounidenses no pueden deportar hasta que obtienen



## **EXHIBIT 2**

**TIME SHEET FOR ANTHONY MANGANIELLO**

February 15, 2007	Mhj	Review Trial Trans	3.5
February 16, 2007	MHJ	Review Trial Trans	4.25
February 19, 2007	MHJ	Meet w/ client	2.5
February 22, 2007	MHJ	Review Hearing Trans.	3.5
February 23, 2007	MHJ	Draft Letter	.25
March 6, 2007	MHJ	Research	2.25
March 12, 2007	MHJ	Review of trans	1.75
March 13, 2007	MHJ	Review of trans	1.5
March 16, 2007	Mhj	Teleconf w/ Client's brother	.5
March 19, 2007	MHJ	Summarize Evidence & teleconf w/ witness	1.5
March 20, 2007	MHJ	Summarize Evidence	2.5
March 24, 2007	MHJ	Summarize Transcripts	4.5
March 26, 2007	MHJ	Summarize Transcripts & Meet W/ Mario	3.75
March 29, 2007	MHJ	Summarizing Transcripts	4.00
March 30, 2007	MHJ	Review Transcripts	2.2
March 30, 2007	MHJ	Meet w/ Mario M. And Review depo	1.75
April 3, 2007	MHJ	Review Def Atty File	4.5
April 17, 2007	MHJ	File Review & Speak w/ Client	1.5



April 17, 2007	MHJ	Legal Research and draft complaint	2.5
April 18, 2007	MHJ	Draft complaint, Teleconf w/ Investigator	1.75
April 19, 2007	MHJ	Transp. Bx Court, Copy crim file Teleconf w/ client and add. Draft Complaint	3.25
April 20, 2007	MHJ	Meeting w/ client	2.5
April 23, 2007	MHJ	Additional draft of complain	2.25
April 26, 2007	MHJ	Review testimony and additional Draft of complaint	3.75
April 30, 2007	MHJ	Review materials from M. Mang v City, review, revise, redraft Complaint	3.5
May 7, 2007	MHJ	Teleconf w/ client	.25
May 8, 2007	MHJ	Tranp to Ct, File complaint	1.5
May 8, 2007	MHJ	Meet w/ Proceess server	.25
May 29, 2007	MHJ	Teleconf w/ corp counsel & Draft of memo to file	.3
June 7, 2007	MHJ	Receipt and review of letter Teleconf w/ policc legal, Draft of memo to file	.5
June 14, 2007	MHJ	Telcconf w/ defense counsel & Draft memo	.2
June 19, 2007	MHJ	Teleconf w/ client	.3
June 19, 2007	MHJ	Teleconf w/ Corp. Counsel & Draft memo	.2
June 19, 2007	MHJ	Teleconf w/ client	.4
June 20, 2007	MHJ	Review Corr, Preparc SDT	.3

June 22, 2007	MHJ	Meet w/ Process Server & Prepare SDT Notice	.5
June 27, 2007	MHJ	Teleconf w/ client	.6
June 27, 2007	MHJ	Review file, draft letter to Def counsel, teleconf w/ Investigator, draft letter to Inv. Online searches	.5
June 28, 2007	MHJ	Teleconf w/ Def atty	.1
June 28, 2007	MHJ	Rec't & Review of letter	.1
June 28, 2007	MHJ	Rec't & Review of letter & Draft corr.	.5
June 29, 2007	MHJ	Meet w/ client	.6
July 2, 2007	MHJ	Prepare confidentiality Agreement, fax to adv.	1.2
July 6, 2007	MHJ	Rec't review fax	.3
July 9, 2007	MHJ	Rec't review fax	.1
July 11, 2007	MHJ	Review of file and Prepare Rule 26 disc	1.5
July 12, 2007	MHJ	Teleconf w/ client	.2
July 12, 2007	MHJ	Draft letter	.2
July 16, 2007	MHJ	Recpt review Ct letter, Draft & Fax letter to adv.	.3
July 16, 2007	MHJ	Teleconf w/ def counsel	.1
July 19, 2007	MHJ	Transp & Attend Prelim Conf	3.8
July 19, 2007	MHJ	Teleconf w/ client	.3
July 23, 2007	Mhj	Reveiw and receipt of order	.2

July 23, 2007	MHJ	Review of Depo Trans.	1.00
August 3, 2007	MHJ	Draft Letter and fax	.2
August 6, 2007	MHJ	Receipt review letter, Telephone conf w/ def. Compile discovery	2.1
August 8, 2007	MHJ	Inventory discovery and Draft letter	2.5
August 13, 2007	MHJ	Draft Discovery DMDS	.5
August 21, 2007	MHJ	Meet w/ Process Server, Review file and draft letter	.3
September 3, 2007	MHJ	Rect and review of answer	.4
September 12, 2007	MHJ	Meet w/ investigator	.5
September 26, 2007	MHJ	Review of Rogs, prepare answers Teleconf	1.00
September 27, 2007	Mhj	Draft Resp., to Def. Dmds	.9
September 27, 2007	MHJ	Teleconf w/ client	.6
October 8, 2007	MHJ	Draft Interrogatories	.75
October 12, 2007	MHJ	Research add draft rogs	1.8
October 15, 2007	MHJ	Review of file and draft Depo Notice	.75
October 16, 2007	MHJ	Teleconf w/ client, serve Depo dmds	.6
November 1, 2007	MHJ	Review, revise Rog Responses, Review file and tel. Conf. W/ Colangelo	1.3
November 2, 2007	MHJ	Teleconf w/ Colangelo, prepare documents for signature, Review Of defcndants' responses, draft	

		Letter	1.4
November 12, 2007	MHJ	Draft letter	.5
November 13, 2007	MHJ	Review & Revise Letter, Teleconf w/ chambers And Fedex	1.3
November 13, 2007	MHJ	Exp. Disc.	.2
November 14, 2007	MHJ	Teleconf w/ client and dr off.	.3
November 16, 2007	MHJ	Teleconf w/ def counsel & Review of letter	.3
November 19, 2007	MHJ	Teleconf w/ Court & Draft Memo to file	.4
November 20, 2007	MHJ	Teleconf w/ Frommer	.1
November 21, 2007	MHJ	Review stip and send fax	.5
November 21, 2007	MHJ	Teleconf w/ client	.1
November 23, 2007	MHJ	Meet w/ client	.75
November 26, 2007	MHJ	Review of letter and draft Letter	.2
November 27, 2007	MHJ	Teleconf w/ client & Draft Letters	.4
November 30, 2007	MHJ	Draft letter	.2
December 4, 2007	MHJ	Teleconf.	.1
December 4, 2007	MHJ	Preparation of SDT	.3
December 5, 2007	MHJ	Draft letter	.1
December 6, 2007	MHJ	Teleconf w/ defense couns.	.2
December 16, 2007	Mhj	Review of docs supplied by D	3.6
December 17, 2007	MHJ	Preparation for depos	3.5
December 18, 2007	MHJ	Teleconf w/ def. Atty & Dalco	.2



December 18, 2007	mhj	Teleconf w/ client	.1
December 18, 2007	MHJ	Prep for Deposition	2.00
December 19, 2007	MHJ	TRANS. ATTEND AND PREP DEPO	11.5
December 20, 2007	MHJ	Attend Depos & Transp	6.0
December 20, 2007	MHJ	Make copies, draft letter	.2
January 7, 2008	MHJ	Recpt, Review of letter & Teleconf w/ adversary	.3
January 7, 2008	MHJ	Teleconf w/ client	.1
January 11, 2008	MHJ	Rect & Review of letter	.1
January 17, 2008	Mhj	Rect & Review report	.4
January 17, 2008	MHJ	Draft letter	.1
January 24, 2008	MHJ	Mcet w/ client	.5
January 25, 2008	MHJ	Draft letter	.4
January 30, 2008	MHJ	Transp, meet w/ Damon and Prepare for depo	10
January 29, 2008	MHJ	Prepare for depos	4.00
January 30, 2008	MHJ	Transp & Attend Depos	3.00
January 30, 2008	MHJ	Draft/serve Supp Rule 26	.3
February 5, 2008	MHJ	Recpt of letter	.2
February 7, 2008	MHJ	Transp & Attend Depo	3.5
February 11, 2008	MHJ	Teleconf	.1
February 11, 2008	MHJ	Rec't & Review letter	.1
February 11, 2008	MHJ	Draft Subpoena & letter, Meet w/ Process Server	.3
February 12, 2008	MHJ	Legal Research	1.5

February 18, 2008	MHJ	Review of records	.9
February 18, 2008	Mhj	Review of D Req. Prepare Responses & Send	.7
February 21, 2008	MHJ	Teleconf w/ witness and client	.5
February 22, 2008	MHJ	Draft Letters	.3
February 22, 2008	MHJ	Copy of Tape, draft letter and prepare package To Def.	.6
February 25, 2008	MHJ	Review of Parker Depo	.5
February 26, 2008	MHJ	Receive Review Def. Letter Prepare letter to Judge and review file, copy exs.	1.3
February 29, 2008	MHJ	Teleconf w/ chambers	.1
February 29, 2008	MHJ	Review of D Letter	.3
February 29, 2008	MHJ	Draft letter, research	.8
March 1, 2008	MHJ	Additional Draft of letters	1.2
March 3, 2008	MHJ	Draft and send Supp R. 26	.2
March 7, 2008	MHJ	Teleconf w/ expert, adversary & Draft letter to court	.5
March 7, 2008	MHJ	Receipt & Review of endorsed Letter and draft of letter	.3
March 10, 2008	MHJ	Review file, draft notice to admit, travel and attend deposition of Dr. Latif, receipt & review of email from Court, draft Letter	6.1
March 12, 2008	MHJ	Review of adversary's letter, Research, review file and draft response.	2.4
March 12, 2008	MHJ	Teleconf. W/ client & Parkeheter Re; Subpoena & prepare package For Tinari	.7
March 12, 2008	MHJ	Review of file and prepare for Depos	1.2

March 13, 2008	MHJ	Transp & attend depos	2.5
March 13, 2008	MHJ	Draft letter	.2
March 20, 2008	MHJ	Receipt & Review of letter and Draft response	.3
March 25, 2008	MHJ	Review Revise OSC	1.7
March 26, 2008	MHJ	Teleconf w/ witness & Draft memo	.2
March 27, 2008	mhj	Final Review/ Revise OSC	.5
March 28, 2008	MHJ	Teleconf w/ Motions Clerk Bx sup	.2
March 28, 2008	MHJ	Meeting w/ Investigator	.3
April 3, 2008	MHJ	Review of letter, legal Research Draft Response	.8
April 4, 2008	MHJ	Teleconf w/ Econ.	.1
April 7, 2008	MHJ	Rect & Review of Tinari report, Prepare Supp R 26, Review Endorsed letter, rect depos trans prepare several Letters	1.3
April 8, 2008	MHJ	Assemble exhibits, partial Draft of motion	1.5
April 9, 2008	MHJ	Additional Draft of Motion, serve and file same	3.2
April 10, 2008	MHJ	Attempt to refile, Teleconf w/ ECF Help desk, Draft letter	.6
April 11, 2008	MHJ	Travel to and attend Bx. Sup	2.1
April 11, 2008	MHJ	Teleconf w/ Judge's law sec.	.1
April 11, 2008	MHJ	Receive email and rcspond	.1
April 11, 2008	MHJ	Teleconf w/ Court	.7
April 16, 2008	MHJ	Document Review'- PREP	1.9
April 18, 2008	MHJ	Abate Depo	1.7
April 19, 2008	MHJ	Research Draft opp to SJ Mot	4.4
April 21, 2008	MHJ	Teleconf. W/ adversary & Draft	

		Letter	.4
April 21, 2008	MHJ	draft sj opp	8.7
April 22, 2008	MHJ	draft sj opp	7.8
April 23, 2008	MHJ	Teleconf w/ J. Marcus chambers Rect & review of order, teleconf W/ client, reet & review of letter Additional draft SJ	2.6
April 23, 2008	MHJ	Research	1.6
May 1, 2008	MHJ	Review Gj, Fax letter and Prcp for Depo.	2.9
May 2, 2008	MHJ	Transp to and attend Seaccia dep And travel baek	4.8
May 6, 2008	MHJ	Add. Draft of SJ Opp	8.2
May 7, 2008	MHJ	Add. Draft of SJ Opp & Teleconfs.	7.5
May 10, 2008	MHJ	Resareh, Review, Revise Opp	4.6
May 12, 2008	MHJ	Draft Rule 56 statement, Assemble Exs	7.2
May 13, 2008	MHJ	Review and revise Opp	6.7
May 14, 2008	MHJ	Final Review of does and Electronically file same	1.2
May 16, 2008	MHJ	Rect & review of expert report	.5
May 19, 2008	MHJ	Teleconf. W/ court	.1
May 22, 2008	MHJ	Telcconf w/ adv.	.1
May 23, 2008	MHJ	Preparation of PTO & Conf w/ witnesses	6.3
May 24, 2008	Mhj	Review, asscmble Exhibits Add. Draft Pto	5.6
May 26, 2008	MHJ	Add Draft PTO, Review Revise Draft letter	7.8



May 27, 2008	mhj	Draft letter, Respond to court Emails ,Add Draft PTO, Review Revise	6.3
May 27, 2008	MHJ	Review Factual submissions in prep For oral argument	4.8
May 28, 2008	MHJ	Add. Prep For oral argument	2.3
May 28, 2008	MHJ	Transp., Attend oral argument & teleconf W/ client	4.3
May 28, 2008	MHJ	Add. PTO Testimony	2.3
May 29, 2008	MHJ	Call w/witness	.2
May 29, 2008	mhj	Add PTO Testimony	2.8
May 30, 2008	MHJ	Prepare Mot. In Limine, Teleconf w/ adv.	3.8
May 31, 2008	MHJ	ADD PTO Testimony, Fax & Email same	6.7
June 2, 2008	MHJ	Prepare jury charges, email Docs to D, prepare voir dire And verdict sheet, teleconf W/ witness	4.2
June 3, 2008	MHJ	Trial Prep.	4.6
June 4, 2008	MHJ	Trial Prep, Prep Pre-trial filings	9.2
June 5, 2008	MHJ	Travel to city, Deliever cxs, & Pre-trial filings, trial prep	8.7
June 6, 2008	MHJ	Trial Prep	10.2
June 8, 2008	MHJ	Response to in limine motion	7.6
June 9, 2008	MHJ	Finalize, in limine mot, prep for Depo, trial prep	11.4
June 10, 2008	MHJ	Transp. Attend Perez depo, trial Prep	10.2
June 11, 2008	MHJ	Trial Prep	7.5
June 12, 2008	MHJ	Trial Prep	6.1

June 13, 2008	MHJ	Trial Prep	7.8
June 14, 2008	MHJ	Trial Prep	8.2
June 16, 2008	MHJ	Trial Prep	9.1
June 17, 2008	MHJ	Trial	14
June 18, 2008	MHJ	Trial	15
June 19, 2008	MHJ	Trial	14.7
June 20, 2008	MHJ	Trial	6.4
June 21, 2008	MHJ	Trial	5.7
June 22, 2008	MHJ	Trial prep	3.7
June 23, 2008	MHJ	Trial	12
June 24, 2008	MHJ	Trial	8
June 25, 2008	MHJ	Teleconf w/ client	.2
July 7, 2008	MHJ	Teleconf w/ def. counsel	.1
July 7, 2008	MHJ	Teleconf w/ def. counsel	.1
July 11, 2008	MHJ	Research in preparation for Post trial motions	2.3
July 14, 2008	MHJ	Rect & Review of Letter From Court	.1
July 18, 2008	MHJ	Research RE: Fee application and Preparation of draft	2.7
July 22, 2008	MHJ	Review Defendants' motion and Conduct research	3.8
July 23, 2008	MHJ	Review of transcript & Draft of opposition	4.8
July 24, 2008	MHJ	Review of transcript & Draft of opposition	4.5
July 25, 2008	MHJ	Review of transcript & Draft of opposition	1.8

July 29, 2008	MHJ	Research, draft of opp	8.3
July 30, 2008	MHJ	Review of transcript & draft opp	8.9
July 30, 2008	MHJ	Teleconf w/ client	.3
July 30, 2008	MHJ	Reet & review of Def letter Respond to same	.4
July 30, 2008	MHJ	Rect Review of Court's email, reply To same and call client	.3
July 31, 2008	MHJ	Add draft opp	11.3
August 1, 2008	MHJ	Add draft opp	12.5
August 2, 2008	MHJ	Review, revise opp.	6.8
August 3, 2008	MHJ	Review, revise opp.	1.3
August 4, 2008	MHJ	Final review, revise, opposition Serve and File same	4.2
August 4, 2008	MHJ	Teleconf w/ client	.2
August 5, 2008	MHJ	Teleconf w/ client	.2
August 5, 2008	MHJ	Teleconf w/ client	.1
August 6, 2008	MHJ	Preparation of summation	.6
August 6, 2008	MHJ	Calculation of hours	.2
August 6, 2008	MHJ	Transport, Attend Punitive damages Portion of trial.	4.8
August 6, 2008	MHJ	Research and draft letter	.3
August 7, 2008	MHJ	Research and draft letter to Court & research & draft/ edit fee app.	4.7
August 11, 2008	MHJ	Review & Revise Fee Application	.5
Total Hours spent 587.25			

## **EXHIBIT 3**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MANGANIELLO,

Plaintiff,

CIVIL ACTION No.: 07 CV 3644 (HB)

- Against-

DET. LUIS AGOSTINI,

Defendants

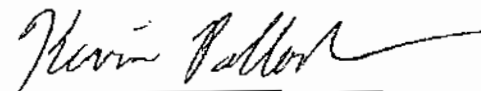
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DECLARATION OF KEVIN POLLOCK

Pursuant to 28 USC §1746, I hereby declare, under penalty of perjury under the laws of the United States of that the following is true and correct.

1. My name is Kevin Pollock and I am an attorney duly licensed to practice law in the States of New York and New Jersey.
2. I am currently the managing partner of the LAW OFFICE OF KEVIN A. POLLOCK LLC, which was formerly Thompson & Pollock LLC, located at 112 West Franklin Ave. Pennington, NJ 08534.
3. While acting as Managing Member of Thompson & Pollock LLC, I retained the services of Michael Joseph, in August of the year 2005, to act as local counsel to my firm in a case venued in the State of New York.
4. Our firm retained Mr. Joseph at the rate of \$275 per hour, which at the time was the customary billing rate for an attorney with Mr. Joseph's level of experience.

Dated: Pennington, N.J.  
August 8, 2008

  
Kevin Pollock, Esq.